

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Revenue Department – Sri N.Sivarami Reddy, formerly MRO/ARO, 152, Lakkireddipalli of Cuddapah District and now expired – Allegation of misuse of election funds – Enquiry Conducted – Recovery of misappropriated amount of Rs 2, 11,407/- from the Gratuity of Late Sri N.Sivarami Reddy, formerly MRO – Orders – Issued – Reg.

REVENUE (VIG.VI) DEPARTMENT

G.O.Rt.No. 108.

Dated: 21.01.2013.

Read the following:-

1. From the District Collector, Kadapa, Lr. No. A6/1528/95, dated: 27.03.1995.
2. G.O. Rt. No. 1513, Rev (Ser.III) Dept. dated: 30.09.1996.
3. From CCLA, A.P. Hyderabad, Lr. No. VS.III (2)/2149/03, dated: 10.08.2011
4. Govt. Memo. No 48431/Vig.VI (2)/2003, dated: 13.08.2011.
5. Representations of Sri Sri. N. Anil Kumar Reddy, dated: 24.03.2004 and 05.05.2010.
6. Orders of APAT, Hyderabad in O.A. No. 9428/2012, dated: 29.11.2012.

* * * * *

ORDER:

Whereas consequent on publication of an adverse news item in "Andhra Jyothi" news paper dated. 10.2.2005 under the caption of "Misappropriation of election fund by Lakkireddypalli Revenue Officials", the District Collector, Kadapa had appointed the Deputy Director of Small Savings, Kadapa as Enquiry Officer to conduct preliminary enquiry into allegations and submit the report. Further, Government had examined the preliminary enquiry report submitted by the Deputy Director of Small Savings, Kadapa and decided to initiate disciplinary action against all the above alleged Officers duly conducting a regular enquiry into the allegations. Accordingly, the Joint Collector, Anantapur, was appointed as Enquiry Officer.

2. In pursuance the above orders, the District Collector, Anantapur had issued article of charges to Sri N.Sivarami Reddy, Mandal Revenue Officer vide Proc. Rc.No.A1/1767/98, dated 22.05.1998.

3. Aggrieved by the above, Sri N.Sivarami Reddy, Mandal Revenue Officer approached the Andhra Pradesh Administrative Tribunal by filling O.A. No.1669/99. The Hon'ble Andhra Pradesh Administrative Tribunal in its order dated 03.09.1999 in O.A. No.1669/99 had issued interim orders staying all further proceedings. In the mean while, the above Charged Officer died on 12.06.2002 while he was in service. Consequently, the Hon'ble Tribunal in its order dated 25.8.2003 in O.A. No. 1669/99 with VMA No. 337/01 disposed off the above O. A and VMA as in fructuous. The Andhra Pradesh Administrative Tribunal in its further order dated 11.09.2003 in O.A. No. 6143/2000 (filed by the C.O) disposed off the above O.A and M.A with following directions:

"In the light of the fact that, the applicant died during the pendency of the disciplinary proceedings against him, the disciplinary proceedings stand abated and no punishment can be ordered . In view of this, the respondents are directed to finalize the pension proposals and release the pensionary benefits of the deceased employee and disburse the same to the legal representative within a period of 3 months from the date of receipt of a copy of this order."

4. Whereas the Joint Collector Anatapur submitted the enquiry report in respect of Sri. N.Sivarami Reddy , Mandal Revenue Officer (Died) to the Chief Commissioner of Land Administration, Hyderabad on 17.11.2003, wherein out of (6) charges framed against him all charges were proved during the enquiry except charge (5). Due to lack of supervision and negligence of duties of Sri. N.Sivarami Reddy, Mandal Revenue Officer (Died), a pecuniary loss for an amount of Rs 2,11, 407/- was caused to Government in conducting General Election to APLA, 1994. The Hon'ble Tribunal, in its order dated 18.03.2004 in Rev. M.A No.648/2003 in O.A No 6143/2000 MASR No. 17166/93 and MASR No. 17165/2003 in Rev. MASR No. 17390/2003 in O.A No. 1669/1999, dated 16.04.2003 has passed the following orders:

"The orders observed in O.A. No. 6143/2000 is that the pension proposals be finalized and shall be released to the legal representatives. Naturally the pensionary benefits due to the applicant have to be paid in accordance with the rules and such amount is actually due to the applicant is to be released. In view of this, in Rev. MA. No. 648/2003 in MA No. 6143/2000, no further orders are necessary as the matter is clarified thus as per pension rules".

5. As the charge of his misappropriation is established during the enquiry, a Show Cause Notice, dated 13.8.2011 was issued to the Legal Representatives of the deceased employee, directing them to show cause as to why the misappropriated amount of Rs 2,11,407/- should not be recovered from the retirement gratuity of Sri N. Sivarami Reddy, Mandal Revenue Officer (Died), within 15 days from the date of receipt of the Memo, as per G.O.Ms.No.85, Finance, dated 21.12.2002.

6. Aggrieved by the Show Cause Notice, the Legal Heirs of the deceased employee had approached the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad. The Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad issued the following Orders:

"Pending further orders, the respondents are directed to pass appropriate orders on the representations of the application dated 24.03.2004 and 05.05.2010 regarding their request for release of pensionary benefits".

7. Whereas the Legal Heirs have not submitted any representation to the Show Cause Notice, Government hereby decided to deduct the misappropriated amount of Rs 2,11,407/- from the Retirement gratuity and death benefits of Sri N.Sivarami Reddy, (deceased) formerly MRO/ARO 152, Lakkireddypalli, YSR District. The District Collector, YSR District is requested to repay the balance amount if any and other benefits to the Legal Heirs of the deceased employee under intimation to Government and also bring to the notice of Hon'ble Tribunal by way of filling of Counter Affidavit in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The District Collector, YSR District.
 The District Collector, Anantapur District.
 The Legal Heirs of Sri N.Sivarami Reddy,
 formerly M.R.O. (through the District Collector, Anatapur District / YSR District)

Copy to:

1. The Chief Commissioner of Land Administration, A.P., Hyderabad.
2. The Accountant General (A&E), A.P., Hyderabad.
3. CC.

// FORWARDED :: BY ORDER //

SECTION OFFICER